

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE**

**THURSDAY, JUNE 20, 2013
REGULAR MEETING – 6:30 p.m.**

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

TIM BROWN
KORY KRAMER
JAY MYERS
LARRY TUCKER

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney

TONY BRINE, City Traffic Engineer

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. RECOGNITION OF CHAIR MICHAEL TOERGE FOR HIS DEDICATION AND YEARS OF SERVICE ON THE PLANNING COMMISSION.

V. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

VI. REQUEST FOR CONTINUANCES

VII. CONSENT ITEMS

ITEM NO. 1 MINUTES OF JUNE 6, 2013

Recommended Action: Approve and file

VIII. CURRENT BUSINESS

**ITEM NO. 2 RECOMMENDATION PERTAINING TO RESIDENTIAL LOT MERGERS (PA2012-102)
Site Location: Citywide**

Summary:

The Planning Commission has concluded its review of issues and potential regulations pertaining to residential lot mergers. A memorandum from the Planning Commission to the City Council summarizes their discussions and recommendation.

CEQA Compliance:

This item is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 1506(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Code Amendment CA2012-007, which is not subject to action at this time, is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations) because the properties involved have an average slope of less than 20 percent; and the proposed amendment would not result in any changes in land use or density.

Recommended Action:

1. Review draft memorandum and direct staff to submit the Planning Commission's findings and recommendation to the City Council.

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 3 MOTION FOR RECONSIDERATION

ITEM NO. 4 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

**ITEM NO. 5 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT**

ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT

Comments on June 20, 2013 Planning Commission Agenda

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229). ~~strikeout~~ underline format is used to suggest changes to the passages quoted in *italics*

Item No. 1 Minutes of June 6, 2013

Page 2:

- Line 1: "... and a slide she prepared on behalf of a request by Commissioner ~~Tucker~~ Toerge regarding Ocean Boulevard."
- Paragraph 2: "Discussion followed regarding a budget for the Civic Center and ~~wondered~~ if whether it is not a ~~stand-along~~ stand-alone project with bond monies."
- Paragraph 3: "~~Deputy~~ Public Works Director David Webb reported that..."
- Paragraph 8: "Jim Mosher expressed concern regarding the ability to understand the ~~supporting material~~ relevant law..."
 - [note: I continue to think the state law under which the staff report said the Item 2 hearing was being held – California Government Code Section 65401 – requires an annual General Plan compliance review of **all** planned public works projects within the City, not just the City-funded ones.]

Page 4:

- Paragraph 4: "Jim Mosher addressed specific findings and reported that ~~a~~ the section of the Municipal Code ~~that was~~ under discussion had been recently changed by Council. "

Item No. 2 Recommendation on Residential Lot Mergers (PA2012-102)

In PC 1 (Draft memorandum) --

Page 2 (page 6 of PDF):

- paragraph 2: "... yet could still be ~~in-compatible~~ incompatible with the lots that adjoin it ..."
- paragraph 5: "4. Increased setbacks and floor area restrictions ~~and~~ for merged lots ~~creates~~ create inequities."
- paragraph 6: "Modifying the development standard would ~~create~~ make several existing structures nonconforming." [note: I still don't understand how this would happen if the proposed code change were to affect future mergers only.]
- paragraph 7: I think a fuller explanation of regulation by "lot coverage" is needed. What is it? And how would it negate the effect of increased setbacks?
- In the proposed Recommendation 1, it is unclear if items **a**, **b** and **c** are the *only* matters that may be considered in making the required finding.

Page 3 (page 7 of PDF):

- In Recommendation 2, I believe there was testimony that the Ocean Boulevard lots, before merging, were already larger than most in the area. Were they nonetheless non-conforming in some respect, exempting the merger from further scrutiny under the suggested rule?